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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91184197
Party	Defendant POWERTECH INDUSTRIAL CO., LTD.
Correspondence Address	Morton J. Rosenberg Rosenberg, Klein and Lee 3458 Ellicott Center Drive, Suite 101 Ellicott City, MD 21043-4178 UNITED STATES rkl@rklpatlaw.com
Submission	Defendant's Notice of Reliance
Filer's Name	MORTON J. ROSENBERG
Filer's e-mail	rkl@rklpatlaw.com
Signature	/MORTON J. ROSENBERG/
Date	12/04/2009
Attachments	2349-1569-OPP-APP SUP RELIANCE-DEC4-2009.pdf (15 pages)(534957 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

United Parcel Service of America, Inc., :

Opposer : Opposition No. 91184197

V.

:

Powertech Industrial Co., Ltd.,

Applicant

APPLICANT'S SUPPLEMENTAL NOTICE OF RELIANCE

Applicant, Powertech Industrial Co., Ltd. pursuant to Trademark Rules of Practice Section 2.122(e), submits this Supplemental Notice of Reliance. This Notice will supplement, rather than supersede Applicant's Notice of Reliance, filed on 21 August 2009. Applicant also hereby gives notice to Opposer, United Parcel Service of America, Inc., that it offers and intends to rely upon the following additional and supplemental evidence at trial:

(1) Copies of Certificates of U.S. Trademark Registrations Nos: 3,150,532; 3,688,778; 3,083,913; 2,888,591; 3,347,176; 3,489,672; 3,686,916; 3,538,919; 3,401,906; 3,017,697; 3,359,502. These copies are attached as Exhibit 1 hereto. These Registrations are intended to be used to show that the word "GREEN" has issued in numerous Trademark Registrations in International Class 9 without the necessity of a disclaimer directed to the word "GREEN."

Respectfully submitted,

12/4/09

Dated

Morton J. Rosenberg

10(4/09

Dated

Samuel L. Gompers

Rosenberg, Klein & Lee

3458 Ellicott Center Drive, Suite 101

Ellicott City, MD 21043

Tel: 410-465-6678 Fax: 410-461-3067

Attorneys for Applicant

POWERTECH INDUSTRIAL CO., LTD.

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing "Applicant's Supplemental Notice of Reliance" was served this day by first class postage prepaid upon counsel for Opposer, Stephen M. Schaetzel, Esquire, KING & SPALDING LLP, 1180 Peachtree Street, N.E., Atlanta, GA 30309-3521, sschaetzel@kslaw.com.

This 4 day of December, 2009.

Morton J/Rosenberg

EXHIBIT 1

Int. Cls.: 9 and 35

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,150,532 Registered Oct. 3, 2006

TRADEMARK SERVICE MARK PRINCIPAL REGISTER



BAYASOFT LLC (MASSACHUSETTS CORPORA-TION) 285 CENTRAL STREET, SUITE 206A LEOMINSTER, MA 01453

FOR: COMPUTER SOFTWARE THAT PROVIDES DATA COLLECTION, INFORMATION, AND RESULTS USING MULTIPLE COMPUTER LANGUAGES AND PRESENTING THE DATA IN MULTIPLE FORMATS IN THE FIELD OF HUMAN RESOURCES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-1-2004; IN COMMERCE 9-1-2004.

FOR: CONSULTING SERVICES IN THE FIELD OF HUMAN RESOURCES MANAGEMENT FOR THIRD PARTIES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-1-2004; IN COMMERCE 9-1-2004.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SYSTEMS", APART FROM THE MARK AS SHOWN.

THE COLORS MAROON RED AND GRAY ARE CLAIMED AS A FEATURE OF THE MARK.

THE COLOR MAROON RED APPEARS IN THE TOWER DESIGN AND THE WORDING "VILLAGE GREEN," AND THE COLOR GRAY APPEARS IN THE HORIZONTAL LINE AND THE WORD "SYSTEMS".

THE MARK CONSISTS OF A ROUNDED TOWER OF A BUILDING WITH THE WORDS "VILLAGE GREEN SYSTEMS" TO THE RIGHT OF THE PICTURE.

SER. NO. 78-530,224, FILED 12-9-2004.

SUSAN STIGLITZ, EXAMINING ATTORNEY

United States of America United States Patent and Trademark Office

HOP TO GREEN

Reg. No. 3,688,778 HOP TO GREEN, INC. (NEW YORK CORPORATION)
Registered Sep. 29, 2009 24 YEOMALT AVENUE
STATEN ISLAND, NY 10312

Int. Cl.: 9 FOR: CASH REGISTERS, CALCULATING MACHINES AND DATA PROCESSING EQUIPMENT AND COMPUTERS; PHOTOCOPYING MACHINES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

TRADEMARK

PRINCIPAL REGISTER FIRST USE 9-30-2007; IN COMMERCE 9-30-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-682,398, FILED 3-3-2009.

MICHAEL ENGEL, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Int. Cls.: 9, 39, and 40

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 103, 105, and

106

Reg. No. 3,083,913

United States Patent and Trademark Office

Registered Apr. 18, 2006

TRADEMARK SERVICE MARK SUPPLEMENTAL REGISTER

CLEAN GREEN POWER MACHINE

SKYBUILT POWER, LLC (DELAWARE COR-PORATION) 4449 N. 38TH STREET ARLINGTON, VA 22207

FOR: SOLAR ENERGY SYSTEMS, NAMELY, PORTABLE SOLAR POWER STATIONS COMPRISED OF SOLAR COLLECTORS, PANELS, ELECTRIC MODULES, AND POWER CONTROL SYSTEMS COMPRISED OF INVERTERS AND CHARGE CONTROLLERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-1-2003; IN COMMERCE 9-1-2003.

FOR: DISTRIBUTION OF SOLAR AND ELECTRIC ENERGY, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 9-1-2003; IN COMMERCE 9-1-2003.

FOR: GENERATION AND PRODUCTION OF SOLAR AND ELECTRIC ENERGY; CUSTOM MANUFACTURE OF SOLAR ENERGY SYSTEMS, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 9-1-2003; IN COMMERCE 9-1-2003.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE MACHINE, APART FROM THE MARK AS SHOWN.

SER. NO. 76-533,603, FILED P.R. 7-30-2003; AM. S.R. 1-25-2006.

SUE LAWRENCE, EXAMINING ATTORNEY

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,888,591 Registered Sep. 28, 2004

TRADEMARK PRINCIPAL REGISTER

ECO-GREEN

HARWOOD, GEORGE (UNITED STATES INDI-VIDUAL) 4256 LANKERSHIM BLVD. N. HOLLYWOOD, CA 91602

FOR: ENVIRONMENTALLY FRIENDLY ELECTRICAL CABLES CONTAINING NO LEAD, MERCURY, CADIUM OR CHROMIN, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-22-2003; IN COMMERCE 4-22-2003.

SER. NO. 76-530,730, FILED 7-14-2003.

TARAH HARDY, EXAMINING ATTORNEY

Int. Cls.: 9, 16 and 45

Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 50,

100 and 101

United States Patent and Trademark Office

Reg. No. 3,347,176 Registered Dec. 4, 2007

TRADEMARK SERVICE MARK PRINCIPAL REGISTER

GREEN

THE INSPIRATIONAL NETWORK, INC. (NORTH CAROLINA NON-PROFIT CORPORATION)
7910 CRESCENT EXECUTIVE DRIVE SUITE 500
CHARLOTTE, NC 28217

FOR: VIDEO TAPES AND DVDS FEATURING CHRISTIAN RELIGIOUS TOPICS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-0-2006; IN COMMERCE 5-0-2006.

FOR: PRINTED MATERIALS, NAMELY WORK-BOOKS FEATURING CHRISTIAN RELIGIOUS TO-PICS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 5-0-2006; IN COMMERCE 5-0-2006.

FOR: MINISTERIAL SERVICES, NAMELY, PROVIDING ONLINE CHRISTIAN RELIGIOUS MINISTRY INFORMATION VIA THE GLOBAL COMPUTER NETWORK, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 5-0-2006; IN COMMERCE 5-0-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-121,248, FILED 3-2-2007.

KEVIN CORWIN, EXAMINING ATTORNEY

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office Reg. No. 3,489,672
Registered Aug. 19, 2008

TRADEMARK PRINCIPAL REGISTER

Programmable Power for a Green Planet

SUMMIT MICROELECTRONICS, INC. (CALIFORNIA CORPORATION)
757 N. MARY AVENUE
SUNNYVALE, CA 94085

FOR: SEMICONDUCTOR INTEGRATED CIRCUITS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-31-2007; IN COMMERCE 7-31-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-174,350, FILED 5-7-2007.

APRIL ROACH, EXAMINING ATTORNEY

United States of America United States Patent and Trademark Office

ORANGE FOR SAFETY. GREEN FOR THE ENVIRONMENT.

Reg. No. 3,686,916 WANCO, INC. (COLORADO CORPORATION)
Registered Sep. 22, 2009 5870 TENNYSON ST
ARVADA, CO 80003

Int. Cl.: 9 FOR: ENVIRONMENTALLY FRIENDLY HIGHWAY TRAFFIC SAFETY EQUIPMENT FOR DIRECTING AND CONTROLLING TRAFFIC, AND PROVIDING INFORMATION TO MOTORISTS, NAMELY, ELECTRONIC NOTICE ARROW BOARDS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

TRADEMARK PRINCIPAL REGISTER

FIRST USE 3-0-2008; IN COMMERCE 3-0-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-425,711, FILED 3-19-2008.

ALICE BENMAMAN, EXAMINING ATTORNEY



David J. Kyps

Director of the United States Patent and Trademark Office

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,538,919 Registered Nov. 25, 2008

TRADEMARK PRINCIPAL REGISTER

GREEN CELL

ORIGINAL POWER, INC. (COLORADO COR-PORATION)

3400 CORPORATE WAY, SUITE C

DULUTH, GA 30096

FOR: BATTERIES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-28-2008; IN COMMERCE 5-28-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CELL", APART FROM THE MARK AS SHOWN.

SN 78-917,769, FILED 6-27-2006.

JIM RINGLE, EXAMINING ATTORNEY

Int. Cls.: 9 and 16

Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38 and 50

United States Patent and Trademark Office

Reg. No. 3,401,906 Registered Mar. 25, 2008

TRADEMARK PRINCIPAL REGISTER

CODE GREEN NETWORKS

CODE GREEN NETWORKS, INC. (CALIFORNIA CORPORATION) 3975 FREEDOM CIRCLE, SUITE 900 SANTA CLARA, CA 95054

FOR: COMPUTER HARDWARE AND SOFT-WARE SOLD AS A UNIT IN THE FIELD OF COMPUTER DATA SECURITY, NAMELY, SERVER APPLIANCES, CLIENT SOFTWARE AND NET-WORK MANAGEMENT SYSTEMS FOR PREVENTING UNAUTHORIZED TRANSMISSION OF DATA FROM WITHIN A COMPUTER NETWORK TO OUTSIDE DESTINATIONS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-15-2005; IN COMMERCE 10-15-2005.

FOR: PRINTED PUBLICATIONS IN THE FIELD OF COMPUTER DATA SECURITY, NAMELY,

TECHNICAL PAPERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 1-0-2005; IN COMMERCE 1-0-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NETWORKS", APART FROM THE MARK AS SHOWN.

SER. NO. 78-919,257, FILED 6-28-2006.

DEBRA LEE, EXAMINING ATTORNEY

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office Reg. No. 3,017,697
Registered Nov. 22, 2005

TRADEMARK PRINCIPAL REGISTER

ALL SYSTEMS GREEN

WILY TECHNOLOGY, INC. (CALIFORNIA CORPORATION) 8000 MARINA BOULEVARD SUITE 700 BRISBANE, CA 94005

FOR: COMPUTER SOFTWARE AND DOWN-LOADABLE COMPUTER SOFTWARE FOR MAN-AGEMENT, OPTIMIZATION, MONITORING, TRACKING, TROUBLESHOOTING AND INVESTIGATION OF SOFTWARE AND COMPUTER NET-WORKS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-20-2002; IN COMMERCE 2-20-2002.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-475,663, FILED 8-30-2004.

JENNIFER CHICOSKI, EXAMINING ATTORNEY

Int. Cls.: 9, 11, 16, 25, 35, 37, 41 and 42

Prior U.S. Cls.: 2, 5, 13, 21, 22, 23, 26, 29, 31, 34, 36, 37, 38, 39, 50, 100, 101, 102, 103, 106 and 107

Reg. No. 3,359,502 Registered Dec. 25, 2007

United States Patent and Trademark Office

TRADEMARK SERVICE MARK PRINCIPAL REGISTER

GREEN PLUMBERS

THE MASTER PLUMBERS' AND MECHANICAL SERVICES ASSOCIATION OF AUSTRALIA (AUSTRALIA CORPORATION)

525 KING STREET

WEST MELBOURNE, VICTORIA, AUSTRALIA 3003

FOR: ACCOUNTING AND BUSINESS PLAN-NING SOFTWARE PROGRAMS FOR THE PLUMB-ING. GAS FITTING AND ROOFING INDUSTRIES, COMPUTER HARDWARE FOR THE PLUMBING, ROOFING AND ASSOCIATED INDUSTRIES, COM-PUTER DISCS CONTAINING SOFTWARE PRO-GRAMS FOR AND RELATING TO ACCOUNTING, BUSINESS PLANNING, ENVIRONMENTAL DATA-BASE MANAGEMENT, PLUMBING SYSTEMS AND PLUMBING PRODUCT DIRECTORY, TECHNICAL INFORMATION FOR WATER CONSERVATION, ENERGY EFFICIENCY AND SUSTAINABLE EN-VIRONMENTAL PRACTICES; DOWNLOADABLE PUBLICATIONS, NAMELY, MANUALS AND BUL-LETINS AND MAGAZINES FOR THE PLUMBING, ROOFING AND ASSOCIATED INDUSTRIES PRO-VIDED ONLINE OR THROUGH THE INTERNET OR A GLOBAL COMPUTER NETWORK, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: AIR CONDITIONING UNITS AND AIR COOLING UNITS FOR DOMESTIC AND COMMER-CIAL USE; WATER PUMPS AND ELECTRICAL WATER PUMPS, FOR RAIN WATER TANKS AND GREY WATER SYSTEMS; WATER HEATERS FOR DOMESTIC AND COMMERCIAL USE; WATER HEATER APPARATUS, WATER PURIFICATION APPARATUS AND MACHINES, WATER SOFTEN-ING APPARATUS, WATER STERILIZERS, RAIN-WATER AND POTABLE WATER SAVING PRODUCTS AND PLUMBING FITTINGS, NAME-LY, COUPLERS FOR CONNECTING WATER SUP-PLY PIPES AND WATER RESERVOIRS AND TANKS FOR SUCH WATER; GAS APPLIANCES FOR WATER AND ROOM HEATING, INCLUDING EFFICIENT GAS APPLIANCES FOR WATER AND ROOM HEATING, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FOR: PRINTED MATTER AND MATERIALS, NAMELY, PRINTED PUBLICATIONS IN THE FIELD OF PLUMBING, GAS FITTING, ROOFING AND ASSOCIATED INDUSTRIES, PLUMBING BOOKS, NEWSLETTERS AND NEWSPAPERS IN THE FIELD OF PLUMBING, GAS FITTING, ROOFING AND ASSOCIATED INDUSTRIES, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: CLOTHING, NAMELY, TOPS, JERSEYS, JACKETS, SHIRTS; FOOTWEAR AND HEADWEAR, NAMELY, CAPS, BEANIES, VISORS AND HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: ADVERTISING, PREPARATION OF AD-VERTISING MATERIAL AND MATTER; PROVI-SION OF BUSINESS MANAGEMENT ASSISTANCE AND SERVICES AND ORGANIZATION CONSUL-TANCY, NAMELY, INDUSTRIAL MANAGEMENT ASSISTANCE; BUSINESS APPRAISALS AND BUSI-NESS INVESTIGATIONS AND BUSINESS RE-SEARCH AND PROVIDING BUSINESS MARKETING INFORMATION; PROVISION OF MARKETING RESEARCH, MARKETING STUDIES AND MARKETING ADVICE, NAMELY, USE OF BRAND NAMES; PUBLIC RELATIONS ASSIS-TANCE AND ADVICE; PROVISION OF HUMAN RESOURCES AND PERSONNEL MANAGEMENT AND CONSULTATION; RETAIL STORE SERVICES AND WHOLESALE DISTRIBUTORSHIPS FEATUR-ING PLUMBING SUPPLIES, ROOFING SUPPLIES, HEATING AND COOLING APPARATUS AND COMPONENTS. DATA PROCESSING SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: BUILDING, CONSTRUCTION, REPAIR AND INSTALLATION SERVICES, NAMELY, PLUMBING SERVICES, ROOFING SERVICES,

HEATING AND COOLING SERVICES, SANITARY AND DRAINING SERVICES, NAMELY, THE INSTALLATION OF AERATED WASTE WATER TREATMENT SYSTEMS, INSTALLATION OF SEPTIC TANKS AND INSTALLATION OF GREY WATER SYSTEMS AND INSTALLATION SERVICES RELATING TO THE INSTALLATION OF AIR CONDITIONING UNITS, AIR COOLING UNITS, WATER HEATERS, WATER PURIFICATION UNITS, WATER SOFTENING APPARATUS, WATER STERILIZERS, WATER SUPPLY APPARATUS, WATER PIPES, HEATING APPARATUS, VENTILATING APPARATUS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FOR: ARRANGING AND CONDUCTING SEMINARS, CONFERENCES, CONGRESSES, AND SYMPOSIUMS IN THE FIELD OF PLUMBING, ROOFING AND ASSOCIATED AREAS FOR SMALL BUSINESSES, NAMELY, THOSE WHICH SPECIALIZE IN PLUMBING, ROOFING AND ASSOCIATED INDUSTRIES; PERSONNEL TRAINING SERVICES IN ENVIRONMENTAL CUSTOMER SERVICE AND SUSTAINABLE ENVIRONMENTAL PRODUCTS AND TECHNOLOGIES; CONDUCTING AND ORGANIZING EXHIBITIONS FOR EDUCATIONAL PURPOSES FOR SMALL BUSINESSES, NAMELY, THOSE OF WHICH SPECIALIZE IN PLUMBING, ROOFING AND ASSOCIATED SERVICES AND DISTRIBUTION OF EDUCATIONAL MATERIAL IN

CONNECTION THEREWITH, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FOR: REVIEWING STANDARDS AND PRACTICES TO ASSURE COMPLIANCE WITH OCCUPATIONAL HEALTH AND SAFETY LAWS AND REGULATIONS; WEB-PAGE DESIGN SERVICES; DISPUTE RESOLUTION SERVICES AND ARBITRATION SERVICES; INDUSTRIAL QUALITY CONTROL IN THE FIELD OF PLUMBING, ROOFING AND ASSOCIATED AREAS; INSPECTIONS, NAMELY, TECHNICAL EVALUATIONS, ANALYZING AND TESTING IN THE FIELD OF PLUMBING, ROOFING AND ASSOCIATED AREAS; PROVIDING LEGAL INFORMATION; INDUSTRIAL DESIGN SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

OWNER OF AUSTRALIA REG. NO. 879415, DATED 6-15-2001, EXPIRES 6-15-2011.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PLUMBERS", APART FROM THE MARK AS SHOWN.

SER. NO. 78-132,208, FILED 5-30-2002.

NORA BUCHANAN WILL, EXAMINING ATTORNEY